IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

JUDGMENT

SB CIVIL MISC. APPEAL NO.257/2006
Shrimati Achuki Devi & Ors.
V/s
Shri Wahid Khan & Ors.

Date of order : : 17.10.2006

HON'BLE MR. JUSTICE P.S. ASOPA

Mr.Vinay Mathur, for the appellant.

This appeal has been filed by the claimants of the deceased Moti Ram aged 23 years against the award dated 8.12.2005 in MAC case No.681/2005 passed by the MACT cum Additional District & Sessions Judge (Fast Track) No.3, Jaipur District Jaipur, whereby compensation of Rs.4,40,000/- has been awarded.

The facts, in brief, of the case are that a Truck No.HR 38-F-2045 while overtaking the other vehicle, hit the Hero Puck No.RJ-14-4M-6645. As a result of which, the Moti Ram died.

The submission of counsel for the appellant is that award is on lower side as the deceased was earning Rs.5,000/- per month by way of contracts.

I have gone through the award of the Claims Tribunal and further considered the submission of

counsel for the appellant.

The Claims Tribunal after taking into consideration the age of 23 years applied the multiplier of 17 and income of the deceased was rightly assessed as Rs.3,000/- per month on account of uncertainty of the contract. The total award of Rs.4,40,000/- is just, legal and proper.

The appeal fails and is dismissed.

(P.S. ASOPA) J.

ummed/-